

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY WILLIAMS,

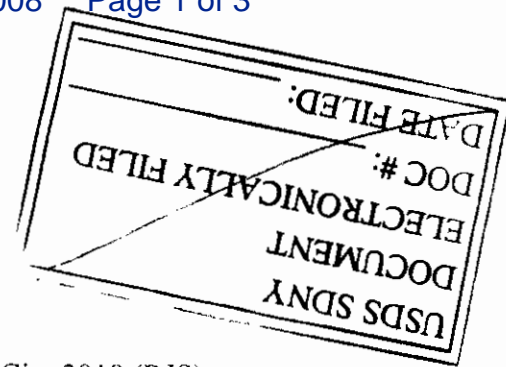
Plaintiff,

-v-

JOHN DOES, 1-11, sued in their individual
capacities,

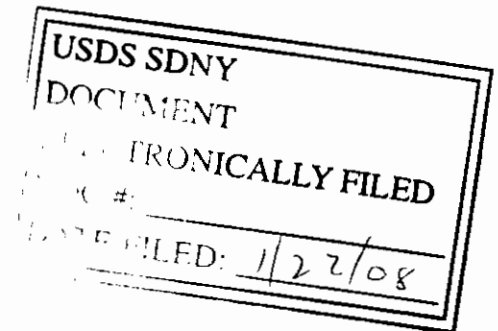
Defendants.

RICHARD J. SULLIVAN, District Judge:



No. 07 Civ. 3018 (RJS)

MEMORANDUM AND ORDER



Plaintiff Larry Williams alleges that “John Does 1-11,” unidentified United States Marshals for the Southern District of New York, used excessive force when he was in their custody in and in transit to the United States Courthouse for the Southern District of New York. Plaintiff further alleges that he was denied medical treatment and that, while detained at the Metropolitan Detention Center, he was placed in Administrative Detention at the behest of the defendants. Finally, plaintiff alleges that his due process rights to a fair trial were violated when the United States Marshals lost legal material belonging to him, harassed him during his trial, and threatened him.

Plaintiff has not provided the names of the eleven defendants. On October 30, 2007, this Court ordered the United States Attorney’s Office for the Southern District of New York (the USAO) to identify the officers who came into contact with Williams as described in his complaint and to provide him and this Court with each officer’s name and last known address. On December 17, 2007, the USAO identified two of the eleven unnamed defendants. The USAO was unable to identify the remaining nine defendants. It noted that Plaintiff’s complaint failed to mention John Does 9-11, and

that there are no specific allegations of misconduct against John Doe No. 2 whatsoever. The USAO further noted that “no less than forty different officers and/or independent contractors hired by the [United States Marshal’s Service] may have come into contact with Plaintiff.”

In a letter motion dated January 6, 2008, Plaintiff requests that the Court now order the government “to produce the names and pictures” of the forty different officers.

Plaintiff’s request is DENIED as premature. Plaintiff has failed to provide adequate identifying details in his complaint to allow the USAO to identify the unnamed defendants. Specifically, Plaintiff has failed to provide specific allegations against John Doe No. 2 and failed to even mention John Does Nos. 9-11. Accordingly, Plaintiff is hereby ORDERED to submit additional details to the Court and the USAO that will enable the USAO to further identify the unnamed defendants. Such details should include, but are not limited to, the location of the defendants at the times in question, identifying physical descriptions, and a specific explanation of the allegations against John Does Nos. 9-11. Plaintiff’s letter providing these additional details should be submitted directly to this Court as well as to the attention of Carolina A. Fornos, Assistant United States Attorney, 86 Chambers Street, 3rd Floor, New York, New York 10007. **Plaintiff’s letter is due by February 17, 2008.**

Once in receipt of Plaintiff’s letter, the USAO is directed to make reasonable efforts to further identify the unnamed defendants and to provide him and this Court, **within 45 days** of receiving Plaintiff’s letter, with each officer’s name and last known address. In the alternative, should it continue to be impossible to identify the defendants, that information should be communicated by letter **within 45 days**. *See Vasquez v. Mill*, No. 03 Civ. 3905, 2006 U.S. Dist. LEXIS 70487, at *21 (S.D.N.Y. Sept. 27, 2006) (ordering U.S. Attorney’s Office to identify unnamed federal officer defendants); *Flemming v. Velardi*, No. 02 Civ. 4113, 2003 U.S. Dist. LEXIS 13078, 2003 WL 21756108, at *4


(S.D.N.Y. July 30, 2003) (construing letter and motion for summary judgment from pro se prisoner-plaintiff as leave to amend complaint and request for discovery of ten unnamed defendant police officers' identities, and directing government attorney to provide plaintiff within 30 days of order the name and last known address for plaintiff's arresting officers).

Should the USAO continue to be unable to identify the unnamed defendants, Williams may, **no later than 30 days** after receiving the letter from the USAO, renew his request to order the USAO to disclose the names and photographs of the potential defendants.

Alternatively, should the USAO provide the defendants' identities and addresses, Williams must file an amended complaint identifying John Does Nos. 1-11 by their proper names, **no later than 30 days** after receiving the names from the USAO. Williams must then request an amended summons and a new service package from the Pro Se Office of this Court. Upon receiving those documents, Williams must fill out the forms and provide the Marshals with the proper documents so that they may serve the summons and amended complaint. If Williams would like further assistance, he may contact the Pro Se Office of this Court at 500 Pearl Street, Room 230, New York, New York 10007, telephone (212) 805-0175. **Failure to comply with these deadlines may result in the dismissal of the plaintiff's complaint pursuant to Rule 41.**

SO ORDERED.

Dated: January 17, 2008
New York, New York

A handwritten signature in black ink, appearing to read 'Richard J. Sullivan', written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE